

POLICY STATEMENT L97-1

Representatives of the Rhode Island Association of Realtors and the Rhode Island Real Estate Commission ("Commission") have requested the Department of Business Regulation ("Department") to issue a policy statement concerning the proper scope of duties and responsibilities of unlicensed personal assistants. Personal assistants are often hired by licensed real estate brokers and salespersons ("Licensees" or, individually, a "Licensee") to assist them in various capacities. A public hearing was held on March 5, 1997 to receive comments from Licensees and members of the general public. After the public hearing the Commission submitted its views on the proper scope of duties and responsibilities of unlicensed personal assistants in certain areas causing confusion and concern.

After reviewing all available information, including that presented at the public hearing and submitted by the Commission, the Department adopts the policy guidelines set forth below.

A personal assistant cannot:

- (1) Make representations about real property, except for transmitting published information;
- (2) Show real property for sale, rental or lease;
- (3) Host or conduct an open house without being accompanied at all times by a Licensee;
- (4) Prepare or present a Comparable Market Analysis (CMA) of real property, but may compile such information for a Licensee;
- (5) Receive compensation in the form of a payment or commission commuted on the basis of real property sales activity, listings, sales, or rentals; or
- (6) Discuss or negotiate terms or conditions of the sale, rental or lease of real property.

This policy is not intended to provide a complete and comprehensive statement on all issues relating to the duties and responsibilities of personal assistants. Rather, it is intended to interpret relevant statutory provisions as they apply to specific activities that appear to be causing the most confusion. Any Licensee responsible for supervising a personal assistant who violates the provisions of this policy statement is subject to appropriate disciplinary action under R.I. Gen. Laws §5-20.5-1 et seq. and applicable regulations.

Dated June 23, 1997

Signed: Barry G. Hittner, Director